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C O N F I D E N T I A L SECTION 01 OF 03 BEIRUT 000813

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TAGS: [PGOV](#) [PREL](#) [LE](#) [SY](#)

SUBJECT: LEBANON: JUSTICE MINISTER RIZK LOOKS AHEAD ON
TRIBUNAL

Classified By: Ambassador Jeffrey D. Feltman for reasons 1.4 (b) and (d).

SUMMARY

¶1. (C) Visiting Assistant Secretary for International Organizations Kristen Silverberg and the Ambassador on June 5 discussed upcoming issues regarding the Special Tribunal for Lebanon with Minister of Justice Charles Rizk. Fully supportive of A/S Silverberg's argument to make progress on making the tribunal operational as soon as possible, Rizk expects the list of proposed Lebanese judges to be completed within ten days. He also did not see a problem with Lebanon fulfilling its initial funding obligations or selecting a deputy prosecutor. Rizk expressed little preference for the court's location. Rizk hopes that the tribunal will spark wider judicial reform in Lebanon. He offered his version of the previous night's cabinet session, when Elias Murr disputed the interpretation of the Nahr al-Barid fighting offered by a security chief known to be close to Hizballah. End Summary.

CONTINUING AT PACE

¶2. (C) In a meeting with visiting A/S for International Organizations Kristen Silverberg and the Ambassador, Minister of Justice Rizk was joined by Judges Choucri Sader and Andre Sader (a cousin of Choucri). A/S Silverberg noted the need to push ahead now on taking the steps that make the tribunal operational. Agreeing, Rizk claimed the process of proposing twelve Lebanese candidates to serve as tribunal judges -- from which the UN SYG will select four -- will be finished "within ten days." Sader hesitated slightly before agreeing to Rizk's proposed ten-day timeline. Sader assessed that the UN was not expecting the proposed names of tribunal judges from the Lebanese Government until August; Rizk described this delayed time track as "unacceptable." He asked A/S Silverberg to phone UN Undersecretary General for Legal Affairs Michel to emphasize the importance of moving quickly to make the tribunal a reality.

¶3. (C) Rizk also queried whether President Lahoud's signature was necessary once the twelve judicial candidates are named. Although Sader stated that presidential approval was not required, Rizk believed this issue could potentially stall the process. Rizk opined that even if Lahoud claims his signature is required -- and then, as most likely would happen, he refuses to sign the papers -- the process will only suffer a brief setback. The constitution requires only

a two-week delay before the Cabinet could re-approve the names, thus overriding the presidential veto.

TRIBUNAL JUDGES:
PERSONAL SAFETY AND JOB SECURITY

¶4. (C) Rizk planned to keep the names of the proposed judges a secret as long as possible to maintain the candidates' personal safety. Rizk agreed with the Ambassador's suggestion to keep the time between the proposal of the twelve candidates and the selection of four as short as possible, to avoid added security for the extra eight. The UN can only provide security once the final four judges are selected and the tribunal is operational.

¶5. (C) A/S Silverberg, the Ambassador, and Rizk all agreed that the final four judges must be composed equally of Muslims and Christians. Sader explained that the agreement between the GOL and the UN regarding post-tribunal job security for the judges had fallen through. However, Sader noted that protective measures had been included within the language of the UN resolution; he was confident that concern for follow-on employment would not present a problem for the judges. A/S Silverberg agreed with Rizk that it is likely that the details of judicial positions (such as salaries and benefits) will be based on part on other models, such as the UN's Special Tribunal for Yugoslavia. But she warned they will not be identical, as different mechanisms were used to establish the Special Tribunal.

TRIBUNAL LOGISTICS:
MONEY AND LOCATION

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¶6. (C) On funding for the tribunal, Rizk maintained that Prime Minister Siniora was confident Lebanon had adequate funding for the first year of the tribunal's operation. Rizk explained that a certain amount of money is set aside each year -- as a type of discretionary fund -- and could be used to fund the court. However, Sader and Rizk described what they had heard as the proposed figure of 25 million dollars per year for the court as not nearly adequate. The two put the figure at closer to 60 or 75 million dollars, at least for the first year. Silverberg cautioned them that the figure could be higher but that what was important was to fund the threshold amount for the first year, to get the tribunal started.

¶7. (C) Rizk claimed to have no real preference regarding the court's location. He said Cyprus was a good option for its close proximity and also because establishing the court there would be less costly than elsewhere. However, he explained that many March 14 leaders disapprove of Cyprus because it is so close to Syria. Regarding the possible negative publicity surrounding setting up the court on a British base, Rizk agreed it was a risk. Sader dismissed possible bad publicity by saying such criticism would be ill-founded and inaccurate since the court buildings would be ceded to UN authority. Rizk mentioned Vienna and Italy as additional possibilities and had no strong reaction to A/S Silverberg's reference to Geneva and Istanbul.

FINDING A DEPUTY PROSECUTOR

¶8. (C) Referring to another Lebanese obligation regarding the tribunal's operations, Rizk mentioned Justice Joyce Tabet, the intermediary between the Lebanese Justice Ministry and UNIIIC, as a top choice for the tribunal's deputy prosecutor position. Tabet, a Lebanese national, is trilingual and knows UN Undersecretary Legal Affairs Michel. Rizk said he had a few names in mind if Tabet declined the position and was confident he could find a suitable alternative.

ARRESTED GENERALS

¶9. (C) Rizk expressed concern regarding the four generals still being held in prison in regard to the Hariri assassination. He said Elias Eid, the judicial investigator responsible for the arrests, was considering liberating "one or two" of the generals. Rizk claimed Eid was being pressured by Lahoud -- "my childhood friend" -- to release the generals. Rizk assessed that if the UN released the generals after taking over the tribunal portfolio -- and thus, custody of the nine suspects arrested in regards to the crimes -- there would be little fallout. However, Rizk claimed that the release from custody of any of the generals before the UN took jurisdiction would be "catastrophic" politically. Rizk planned to advise Eid -- with whom the Minister of Justice admitted to having little influence -- regarding the matter.

COURTING INTERNAL, EXTERNAL DETRACTORS

¶10. (C) Regarding the UNSC vote on the tribunal, Rizk declared that "abstentions are better than vetoes," and thanked A/S Silverberg and the Ambassador for all of the U.S. assistance. Rizk believes the Lebanese should court those UNSC members, particularly Qatar, who abstained from the tribunal vote. Rizk tied Qatar's abstention to Arab Gulf politics, assessing that Qatar withheld its vote only because of strong Saudi Arabian support for the court. Rizk believes Qatar's abstention can be used in Lebanon's favor; he claims Lebanon can use the Qataris to pacify relations between Beirut and Damascus. Rizk theorized that because Qatar can move easily among other UN members opposed to the court, it can use its influence with Damascus to improve Syrian relations with Lebanon. Rizk said the real danger regarding the tribunal lies in Damascus.

¶11. (C) Rizk then discussed a recent statement by Christian opposition politician Suleiman Franjeh. Following the UNSC vote establishing the Hariri court, Franjeh stated that although the opposition had been against the court, now that it was established, opposition forces should accept the court as fact and give it a chance. According to Rizk (quoting Franjeh statements we have not seen or found), Franjeh said the tribunal performance could be a testament to whether the

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court should, or should not, have been created. Rizk said opposition leaders should be encouraged to give similar statements that do not directly oppose the tribunal's work.

REPAIRING THE JUDICIARY

¶12. (C) Rizk and Sader described the Lebanese judiciary as "in shambles" and expressed hope that a successful international tribunal would spark wider judicial reform. Rizk described his work to reshuffle 450 judges in the Lebanese system as a "good effort" that was stifled by Lahoud's refusal to sign the final papers. Lahoud's veto paralyzed the Lebanese internal judiciary as he simultaneously refused to cede power to the international legal system on the Hariri tribunal.

¶13. (C) Rizk suggested highlighting Lebanon's precedent of supporting courts with judges of mixed nationalities to repair the state of the judiciary and garner support for the Hariri tribunal. Rizk cited the prevalence of "mixed courts" under the French mandate where French judges -- many of whom had also served on the international stage -- worked with local Lebanese judges. He suggested emphasizing this past positive experience and revitalizing the framework for current use.

¶14. (C) Rizk gave the Ambassador a readout of the previous evening's "very interesting" Cabinet session in which an argument arose between the Director General of the Surete General Brigadier General Wafiq Jezzini and Defense Minister Elias Murr regarding support for the LAF. According to Rizk, the tussle began when Jezzini claimed the LAF would face an easier situation if they enjoyed more political cover and a political consensus. Murr was extremely angered by Jezzini's comment and was, according to Rizk, "tough" with Jezzini (who is known to be close to Hizballah). Jezzini was reportedly scared by Murr's response and apologized three times for the misunderstanding. In describing other ministers who spoke at the session, Rizk said LAF Intelligence Director Georges Khoury "spoke without being consistent," which Rizk indicated was pro-forma for Khoury. Rizk also said Khoury lately has been "ticklish" and easily made uncomfortable.

¶15. (C) This cable has not been cleared by A/S Silverberg.
FELTMAN